

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

TONI L. QUEEN,	:	CIVIL ACTION NO. 1:05-CV-1307
	:	
Plaintiff	:	(Judge Conner)
	:	
v.	:	
	:	
JO ANNE B. BARNHART,	:	
	:	
Defendant	:	

ORDER

AND NOW, this 6th day of June, 2006, upon consideration of the report of the magistrate judge (Doc. 13), recommending that plaintiff's social security appeal be remanded, to which no objections were filed (see Doc. 14), and, following an independent review of the record, it appearing that the administrative law judge ("ALJ") evaluated a lay witness as an expert, see 20 C.F.R. § 416.913 (listing qualified expert sources), that the ALJ did not address why he rejected lay testimony, see Burnett v. Comm'r, 220 F.3d 112, 122 (3d Cir. 2000); Van Horn v. Schweiker, 717 F.2d 871, 873 (3d Cir. 1983), that the ALJ gave little weight to plaintiff's treating physicians, see Plummer v. Apfel, 186 F.3d 422, 429 (3d Cir. 1999) (stating that treating physicians' reports should be accorded great weight when their opinions reflect expert judgment based on continuous observation of the patient over a prolonged period of time), and that the ALJ's hypothetical question to the vocational expert may be under-inclusive, see Ramirez v. Barnhart, 372 F.3d 546, 553-55 (3d Cir. 2004) (providing that a hypothetical posed to a vocational expert must reflect all of the claimant's impairments), it is hereby ORDERED that:

1. The report and recommendation of the magistrate judge (Doc. 13) is ADOPTED.
2. The above-captioned case is REMANDED to the Commissioner of Social Security for further proceedings consistent with this order and the report and recommendation of the magistrate judge (Doc. 13).
3. The Clerk of Court is directed to CLOSE this case.

/s/ Christopher C. Conner
CHRISTOPHER C. CONNER
United States District Judge